



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09 882,564	06 15 2001	Karlfrid Osterried	LO26-002	9885

21567 7590 11 20 2002

WELLS ST. JOHN ROBERTS GREGORY & MATKIN P.S.  
601 W. FIRST AVENUE  
SUITE 1300  
SPOKANE, WA 99201-3828

EXAMINER

THOMPSON, TIMOTHY J

ART UNIT	PAPER NUMBER
----------	--------------

2873

DATE MAILED: 11/20/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/882,564

Applicant(s)

OSTERRIED, KARLFRID

Examiner

Timothy J Thompson

Art Unit

2873

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,15 and 16 is/are rejected.
- 7) ☒ Claim(s) 3-14 and 17 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 June 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☒ All b) ☐ Some \* c) ☐ None of:  
1. ☒ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121

1 ☐ Notice of Draftsperson's Patent Drawing Review (PTO-946)3 ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_5 ☐ Notice of Informal Patent Application (PTO-911)6 ☐ Other

### DETAILED ACTION

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 2, 15 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yamada et al.(U.S. patent No. 4,662,717) in view of Jonas et al.(Wo 99/40469).

Regarding claim 1, Yamada et al., discloses the optical element(fig 18, 51) is provided in its edge zone with support points(fig 18, 53A), counter bearing points are disposed opposite the support points, of the optical element in an outer mounting(fig 18, 41), members are directed towards the support points(fig 18, 43A). Yamada et al. does not specifically disclose the members are provided with spherical surface, infact, Yamada does not specifically disclose the exact shape of the member, although it appears to be spherical in figure 18. However, Jonas et al. discloses a spherical member(fig 7, 13) which is inserted into a slot(fig 7, 9) on the lens for holding the lens in place. It would have been obvious to one skilled in the art at the time of the invention to make the member spherical as shown by Jonas et al., in the lens holder of Yamada et al., since as shown by Jonas et al., joining members for optical elements are commonly formed with a spherical surface so as to ensure the joining member provides the best possible interconnection between the mount and the lens. for securing the two together

Regarding claim 2, Yamada et al., discloses the edge zone of the optical element with the support points is at least approximately a flat surface(fig 7).

Regarding claims 15 and 16, Yamada et al., does not disclose that the counter bearing points lie at a right angle with respect to the plane which lies at angles to the optical axis or the counter bearing points run obliquely with respect to the optical axis. It would have been an obvious matter of design choice to design the counter bearing points to lie at an angle or obliquely to the plane, since the applicant has not disclosed that placing the counter point at angle to the plane solves any stated problem or is for any particular purpose and it appears that the invention would work equally well with the counter points placed parallel to the plane.

#### ***Allowable Subject Matter***

Claims 3-14 and 17 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. With the important features being the support includes a planar support, groove shaped support and a fixed point support, relief grooves, a securing device located on the side, the edge zone is precision lapped for micro roughness, the support points are formed with V shaped grooves, or the counter bearing points are displaceable in the radial direction.

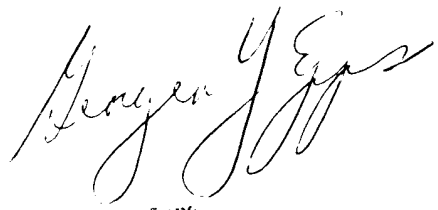
#### **Conclusion**

Since allowable subject matter has been indicated, applicant is encouraged to submit formal drawings in response to this office action. The early submission of formal drawings will permit the office to review the drawings therein before the application is passed to issue. This will avoid possible delays in the issue process.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Timothy J. Thompson whose telephone number is (703) 305-0881. If the examiner can not be reached his supervisor, Georgia Epps, can be reached on (703) 308-4883.

T.J.T.

11/14/02



Georgia Epps  
Supervisory Patent Examiner  
Technology Center 2800